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MR. GRAY'S
CLOSING SPEECH
ON THE
VOTE OF WANT OF CONFIDENCE.

DELIVERED IN THE
HOUSE OF ASSEMBLY,

AT FREDERICTON,

ON THE

29th of February, 1856.

TAKEN FROM THE "HEAD QUARTERS."

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MR. GRAY'S CLOSING SPEECH.

MR. GRAY, on rising to close the debate, said, he regretted he could not continue to afford to the House the amusement they derived from the speech of the hon. member for Victoria (Mr. Tibbits). He must request their serious attention to the question before them: it was one of importance. The debate had lasted many days, and the country was expecting a decision. He desired that his reasons for moving the amendment should go forth to the country; and, if possible, that the division should be taken that evening. If he asked from the House more time than he usually occupied, he trusted they would indulge him. He had to follow the arguments of many days, review the reasonings of many members, and meet all those varied objections which ingenuity, prompted by pride or interest, could suggest. He was surprised at the course pursued by the Government and their supporters. It might well have been assumed that a Government claiming to derive its power from the people, arrogating to themselves the commencement of a new system, and resting their rights to office solely upon the ground that they had the confidence of the people, would have boldly met the questions that had been raised, and justified their position by showing an honorable discharge of duty; but, on the contrary, his motion had been met with "This is not the proper time. It is merely an effort of the old Government to get back to power. The effect of sustaining this amendment is to reverse the judgment that had been made in October 1854, by this House, and put back exactly the same men as a body, and a Government which was then denounced as unworthy of confidence." An invidious distinction had been made between the late Attorney General and himself, as the mover of the amendment, and all the petty means that could create jealousy or dissension had been resorted to. In answer, he would ask did hon. members ever hear it admitted by any Government when was the proper time to put them on their trial? Was it ever known that it was convenient? Was such a step not always out of time? If you raised the question on the answer to the Address, they say, "You try us without waiting for our measures." If you try them on their measures, they say "You are obstructing the business of the country: why don't you bring up a direct vote of want of confidence?" He remembered that in the early part of the session of 1851, when a vote of want of confidence in the then Government was moved, it was found not convenient because the leader of the Government—the Attorney General—was absent to run his County. At the close of the session, when a similar vote was moved, it was found not convenient because he had been returned, and that should be conclusive. In the short session of October 1854, it was alleged as not the time to try the Government, because as they had been in office so long, it was plain they had the confidence of the country; and now it is urged that it is not the time to try the present Government because they have not been in office long enough. He thought a direct vote was the fair and proper mode, and this the proper time, when they contemplated embarking in works of great magnitude and importance. The charges brought against the Government were plain and specific. They were charged with incapacity in managing the finances of the country, with inefficiency in preparing the estimates and controlling the expenditure, with non-agreement as

to any general line of policy, with inconsistency as a Government in agreeing upon general measures, and neutralizing such measures by individually bringing in bills of a directly contrary character, and by the violation of the principles they had always advocated, in appointments and otherwise. These charges were plain, and should have been plainly met; but instead of so doing, the Attorney General (Mr. Fisher) who had followed him, had immediately raised the cry about the old Government, and he and his supporters had pursued throughout their speeches a series of attacks upon the conduct of that Government, rather than any defence of the present. He was surprised at this, as it was entirely unwarranted by any remarks that he had made; but what justification to the present Government could it be that the old one had acted so badly. The question was not between the old Government and the present, but between the present and the country. The old Government claimed no right to office, and acted in no concert. They had acquiesced in the decision of the House, had resigned, and there was an end of it. But there was a degree of arrogance in the present incumbents claiming the sole right to themselves, and attempting to brand others with the mark of exclusion. No man had any right to office: it was open to all who choose to serve the people faithfully, and in whose integrity and talents the people choose to place confidence. Theirs was the right—theirs the power to appoint and sustain. With reference to himself he did not, as the mover of the amendment, should it prove successful, claim any office: he claimed no leadership—he recognised no leadership. In any new formation, those who voted for the amendment could all equally claim to be leaders. He had said the Government must be held accountable for the expenditures so far exceeding the estimates—an excess of over £30,000. This they justified by throwing the blame upon the House, by asserting that the Road Committee had, notwithstanding the estimate made by the Provincial Secretary, reported in favor of £20 or £25,000 more than the sum he had named. Now it so happened that two of the members of the Government—the Attorney General himself one—had been on that very committee, and acquiesced. True the Attorney General says, "He raised his voice against it; but when he found there was, notwithstanding, to be a general scramble, he thought he might as well scramble for his County too;" and the other hon. member of the Government (Mr. Smith) says, "We couldn't control the House: we could not dictate to the House." True; the Government could not dictate to the House, but they could control it. The Government during the last session had had unexampled power in the House. The House had passed a Resolution:—

"On motion of Mr. Harding—Whereas by Resolution of this House passed on the 25th day of April, 1854, it was considered 'absolutely necessary that a clear and distinct Account, embracing the whole Income and Expenditure for each year from all sources and for all purposes, should be made up, shewing the balance of each Account in favor of or against the Province, and that a correct Statement of the Liabilities of the Province, and an Estimate of what may be necessary for the Public Service, and the probable receipts of Public Revenue, should annually be laid before the House, and that it was the duty of the Government to cause all such Accounts, Statements, and Estimates, to be prepared for the proper Officer, and have the same laid before the House;' And whereas the Government have laid before the House, Estimates of Expenditures required for the current year, based upon the present Tariff, which expires on the first day of May next; therefore

"Resolved, That the Government should submit to this House such a Revenue Bill as, in their opinion, will best meet the requirements of the Province."

By that resolution they had virtually denuded themselves of the power to expend beyond the estimate. The Government accepted the power, and brought in the bill. Of what avail would it be to request the Government to prepare an estimate, and to bring in a bill to raise the revenue to meet that estimate, if the House intended to treat it with indifference? True, therefore, it might be that while the Government could not dictate to the House, they

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could control it. Had they simply stood together as a Government, and said "You placed us in power; you requested us to name the amounts the country could afford to spend during the ensuing year: we have done so. By going to such an excess you will embarrass us; we cannot manage the affairs; it will entail financial trouble and difficulty on the country: we must resign." Such was the confidence the House had in the Government at that time, that rather than bring about such a result they would have restrained themselves. But what reason had the House for so doing? No such language was addressed to them. On the contrary, they found the members of the Government, notwithstanding they had unitedly agreed upon an estimate, individually setting that estimate at naught, and scrambling for all they could get; and the very Provincial Secretary himself, although the Road Committee had granted £25,000 beyond his means, at the close of the session and when the benches were half empty, going in for another £3000 to the Grand Falls railway, and other equally extravagant grants. To show that he had not assigned the Government a greater influence in the House than they really possessed he would refer to the different divisions which had taken place last winter on important questions, shewing that the majority of the members had voted against principles which they knew and at the time admitted to be sound, rather than embarrass the Government. When the Election Bill was under discussion, which was brought in as a Government measure, and which based the right to vote upon the mere fact of the party having been assessed without requiring any payment of the rate, an amendment was moved requiring that the party so assessed should have paid his rates. [Mr. Gray here turned to the Journals of 1855, p. 155, and read amendment and division.]

"It was then moved—To insert after the words 'amounting together to £—, or £—, annual income,' the words 'and shall have paid the taxes so assessed for the previous year;'

"Upon this the Committee again divided as follows:—*Yeas*: Messrs. Street, Montgomery, Sutton, Gray, Gilbert, Wilmot, Kerr—7. *Nays*: Hon. Messrs. Speaker, Fisher, Brown, Ritchie, Tilley, Smith, Johnson: and Messrs. Botsford, Partelow, M'Clellan, Steadman, Purdy, Stevens, Rice, Landry, Harding, M'Naughton, Eud, Hayward, Taylor, Lunt, Ferris, Hatheway, Gilbert, M'Phelim, Tibbits, M'Adam, Gillmor, Cutler, Connell—30."

Now there was no doubt the House were in favor of requiring the rate to be paid; the country at large were in favor of giving the franchise to the rate payer; those who shared the burdens of the State should enjoy the franchise; but it was absurd to suppose that the country ever meant that the mere putting a man upon an assessment list, without requiring the payment, was to give that privilege. Common sense was against it; but it was a Government measure, and the House by an overwhelming majority sustained it. The same might be said with reference to the establishment of the Audit Office. It had been year after year contended and admitted that there ought to be a member of the Government in the House to explain and take charge of the financial department. That was a principle in connexion with Departmental Government, such as the present Attorney General had always contended for; yet look at the division:

"A proper and efficient audit we deem essential to the public interests, and we learn with pleasure that arrangements are in progress to give greater efficiency to that Department."

"*Yeas*: Messrs. Cutler, Wilmot, Gray—3. *Nays*: Hon. Messrs. Fisher, Ritchie, Smith, Johnson, Tilley, Brown, and Messrs. Botsford, Kerr, Partelow, M'Phelim, Steadman, M'Naughton, Eud, Sutton, Street, Hayward, Lunt, Ferris, Connell, Ryan, Tibbits, M'Leod, Hatheway, Macpherson, Gilbert, Boyd, Gillmor, M'Adam—28."

Again, when the bill for establishing the Board of Works, also a Government measure, was under discussion, an amendment was moved to prevent the Legislature being filled with the subordinates of that department. This was a principle recognised and admitted by every man as essential to preserve the independence and purity of the House: for the public could have no protection if the House was to be filled with mere creatures of the Go-

vernment, and the bill ought to have embraced a clause to that effect; yet look at the division :

"*Yeas*: Messrs. Gray, Street, Steadman, Kerr, Hayward, Wilnot, English, Purdy, Cutler—9.
Nays: Hon. Messrs. Speaker, Fisher, Tilley, Brown, Smith, Johnson, Ritchie, and Messrs. Botsford, Partelow, Landry, Macpherson, Rice, Harding, M'Naughton, End, Taylor, Montgomery, Hatheway, Tibbits, Sutton, Boyd, M'Adam, Gillmor, M'Phelim, Ferris—25."

The supporters of the Government perceiving the inconsistency, excused themselves by saying that they "Did not want to embarrass the Government. That the same object could be obtained by a bill then before the House, which had been introduced by the hon. member for Kent (Mr. Cutler.)" But it was to be observed that that was a bill brought in by an independent member—a bill over which the Government consequently would have no control; a bill which had been brought in for three or four sessions before consecutively by the same hon. member, and which had always died from neglect and indifference after it had been introduced; and as if indicative of what would be its fate even then, the hon. mover himself of that bill voted for the amendment. Now it was absurd to say that when the Government had a majority so confiding as to vote for them in this way, that they (the Government) could not have controlled the extravagance of the House. They must be held responsible by the country, and they alone are answerable for the financial embarrassment in which we are involved. The Attorney General and the Provincial Secretary had both commented upon his referring to this subject: both particularly contending that no man should decry his own country; that it was wrong to say the Province was in a state of pecuniary embarrassment, because it would injure our credit abroad. In reply, he would beg to tell those hon. gentlemen that the credit of the country was not dependent upon their management or mismanagement. Inconvenience might be sustained, or derangement follow from the course they pursued, but under any circumstances it would be but temporary. The credit of this country was based upon its boundless forests, its broad rivers, its exhaustless marshes, its rich minerals, and the untiring energy and industry of its lumberers, its mechanics, its merchants, its farmers. No Government could permanently retard—it might for a time discredit—the Province. But ought we not when about to embark in expensive undertakings, first thoroughly to examine our financial position. Were we to conceal from ourselves the truth, or stay our hands in the inquiry because it might be unpleasant? Was it honest? Would we leave a sore unprobed, and permit the body to corrupt and die, rather than to expose and heal it? It didn't admit of a question. It was the duty of the Legislature before it sanctioned the borrowing of one dollar thoroughly to examine the monied position of the Province, and whatever the truth might be, let that truth be known. We could easily remedy what was wrong: the Province had resources and means enough, but we could never acquire character or credit if we commenced with deception. He felt that he was perfectly justified in the remarks he had made, and the attention he had called to this subject; upon which he should more fully remark hereafter when he came to the figures and statements of the Provincial Secretary.

The Attorney General had spoken much of his railway policy, dilated upon its comprehensive character, and seemed to claim to himself the credit, as it were, of originating railway movement in this Province—had spoken contemptuously of all that had previously been done. Had asked "whence his (Mr. Gray's) new born zeal for Canada," and had asserted that he would show that no step had ever been taken by the Government of which he (Mr. G.) had been a member, to carry out a road to that Province, or in any way regard the interests of the valley of the St. John. As the Attorney General had somewhat departed from the ordinary line of debate, and made remarks

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of a character personal to himself, he must request the attention of the House for a few moments to the career of the Attorney General on that subject. In 1849 there was much excitement in the Province, and strong efforts were made to commence the construction of this very line from Shediac to St. John. Legislative aid was solicited. The Attorney General was at that time in the House, and a member of the then Government. The present Judge Wilmot, who was then Attorney General, and a member for the same County, with that enlightened spirit which made him the ornament of the House; and now sheds lustre on the bench to which he has been elevated, warmly seconded the effort, but the present Attorney General not only opposed it, but even voted in the negative upon the abstract proposition of the propriety of introducing railways into the Province at all. In fact, the present Attorney General instead of being Provincial is perhaps the most local member of any in the House. [The hon. member here read from the Journals of 1849, the following resolution, moved when the House was in committee on the subject of railways:—

“Resolved, As the opinion of this Committee, that the present condition of this Province requires immediate action to be taken by the Legislature for the introduction of capital, to be expended on some great public work, and that the most eligible work for such expenditure would be a railway.”

With the division thereon, shewing the present Attorney General, so late as 1849, voting against the principle of the introduction of railways into this Province.] At that time he (Mr. Gray) was actively engaged in using every effort towards that object, but the Attorney General opposed it in the most violent manner, and denounced this very road from Shediac to St. John, which is now so much the object of his considerate attention, as a “gigantic humbug,” a “gross imposition,” “a fraud,” “an absurdity.” This was but six or seven years ago. [The hon. gentleman here read from the report of the speech of the Attorney General on the resolution above referred to, as reported in the *Reporter* newspaper of Fredericton, remarking that it was a paper peculiarly favorable to the Attorney General, and looked upon throughout the Province as the exponent of his views, and those of his party.] He did not see how if the Attorney General entertained such views, it was possible for the hon. member for Westmorland, and the Solicitor General, his colleague in the Government, to act in connection with him. The hon. member was the following year rejected by his constituents, and remained in obscurity during the next four years. During that time the Government of which he (Mr. Gray) was a member, used every exertion to carry out these great works. On the decision by Lord Grey that his offer made to Mr. Howe, of Imperial aid towards the construction of the road from Halifax, through New Brunswick, to Canada, was not intended to embrace the European and North American Railway, an arrangement was immediately made by the then Governments of Nova Scotia, New Brunswick, and Canada, to build the road through the valley of the St. John; by which arrangement New Brunswick secured advantages of a most important character. Not only was it proposed that the Imperial guarantee should be given, by which the money could be raised at 3 or 3½ per cent., but by the terms of the arrangement upwards of 127 miles of the road built in New Brunswick would have been built by Canada and Nova Scotia, and have become the property of New Brunswick on completion. The necessary Legislative enactments were passed, and Mr. Chandler went as a delegate to England. When, therefore, the Attorney General says that no steps had ever been before taken to carry out a road to Canada, the assertion is only excusable upon the ground that he was ignorant, because he supposed that nothing could be done without him. What then occurred? On Mr. Chandler and Mr. Hincks' arrival in England, the Imperial Government declined giving the

guarantee. What did Mr. Chandler then do? He did not, says the Attorney General, shew any self-reliance. He did not go into the English market and see if he could sell our bonds. He had no authority to do so; but he immediately made a conditional agreement with the firm of Messrs. Peto, Betts & Brassey, for the construction of this very road, which was subsequently confirmed by the Legislature, and almost unanimously approved of by the people of the Province. That the work has not since been more successfully carried on was not his fault, or the fault of the Government, but of circumstances over which no party had any control. Even under the altered circumstances which have arisen since the contract, there would be no difficulty in that firm carrying out the contract and completing the road. Their works are found in almost every country in Europe, and their name, position, and character are unquestioned, and he was much surprised to hear the Provincial Secretary speak of them in disparaging terms, and as of doubtful means. [Provincial Secretary—The hon. gentleman is mistaken; I never made any such remark, nor did I intend that anything I said should bear such a construction.] He (Mr. G.) was glad to hear that statement. He had been of that impression, but as the Provincial Secretary so unequivocally denied any such intention, it was quite sufficient. He proceeded to remark that the ability of the firm to complete the work was undoubted, yet the change that had occurred, owing to the war and other causes, was such, that it was but reasonable some modification of the arrangement should be made. The company had not had its stock taken up to the extent that had been hoped or expected; but there was one thing affecting the character of its bonds, which to his knowledge had not struck any of the parties to the contract at the time it was made. By the arrangement, the contractors were to be paid in Provincial debentures and Company's bonds, both of which were to be floated in the market for the purpose of raising funds. The Provincial debentures, by the law authorising their issue, operated as a primary mortgage upon the railway property. The Company's bonds would therefore be but a secondary security, and of but little avail for purposes of payment. It was worse than useless to talk of proceeding with the machinery of a Company so situated—a shadow—a mere name—the sooner it was put an end to and arrangements made directly with the Government the better. He was as much interested as any one else, both as a stockholder and otherwise, but it was a farce allowing things to remain as they were. With reference to the Government managing these roads, he had expressed himself already in 1852, and was of the same opinion still. [The hon. gentleman here quoted from a speech made by him in the debate in 1852, as follows:—]

"In considering whether the Government should undertake this work, he would start with laying down a position which he deemed incontrovertible, viz., that when the geographical features of a country were such that the Great Trunk lines of road passing through it would admit of no competition, then and in such case they should be Government works. Otherwise, if given to a private company, they would become monopolies forever. If such a company were induced to spend a large sum of money in the undertaking, they would go into it as a mere commercial speculation: they would establish and regulate all the tolls and fares, and the greater dividends they received the more valuable would be their stock. The geographical position of this country is such, that no competing line can be built; the exigencies of the country would require a competing line or a reduction of the tolls on the line established; but the company would not do that; but if a competing line could be put in operation, they would have to do it; self interest would induce them then to reduce their tolls; otherwise they would set everybody at defiance and maintain their monopoly. On the route from the Bend of Petitcodiac to St. John, there never could be a competing line; that fact was established by all the engineers who had surveyed it. True, it had been asserted that Government should not undertake such works; but he differed from that opinion. All the turnpike roads in England were Government works; railroads would be to us what turnpike roads are in England; tolls were paid on all those roads, and those tolls paid the expenses of keeping the roads in repair; therefore, the principle that Government should not undertake railroads was not correct, because the same principle was carried out in constructing other roads, on which

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tolls are charged. There were plenty of capitalists in England, ready to undertake those works, at the time that railroads were first commenced there; at that time they were a mere experiment, and the results were unknown; therefore the Government let them to private enterprise; and after they had been so undertaken and were found to be profitable, it was considered that it would be unfair to take them out of the hands of the private companies. But experience has taught a lesson; and now, in every Railroad Act passed in England, there is inserted a provision, that whenever the road shall pay more than a certain amount of profit, the Government shall have a right to take it into their own hands or reduce the tolls. There was another principle also he would lay down; that wherever a local traffic already existed, its improvement might safely be left to private companies; but wherever it was desirable to create new currents of traffic, Government must take the lead. At the time when the railroad from Manchester to Liverpool was commenced, there was already a great existing traffic on the route, both by the ordinary road and by canal; therefore the railroad was merely an improvement of the existing traffic. On the contrary, when that great work, the Erie Canal, was undertaken by the State of New York, there was no traffic between Lake Erie and the City of New York; there were no cities on the route; the object of that work was to create a new current of traffic; therefore the State Government took it up and carried it out. That was the principle in such cases. The Great Western Railroad of Massachusetts has been mainly supported and carried out by the State funds of Massachusetts; and New York and Philadelphia had invested large amounts in the same way. All the great lines of railway in England admitted of competition: the geographical condition of the country admitted of it; but even if it were otherwise, there was sufficient wealth there to carry out such works by private enterprise, irrespective of any obstacles."

This brought him to another question. He had understood that an offer had been made by Messrs. Peto & Co. to Mr. Ritchie, when in England last June, which offer was communicated to the Government immediately on Mr. Ritchie's return in July, to go on at once with the works, increasing their own stock 15 per cent., and giving the Government the control, and only asking the Government for a similar advance and loan for any balance that might be necessary. [Provincial Secretary—The hon. gentleman is mistaken. The proposition involved 75 per cent. further payment by the Government.] The papers were not before the House, and he could not therefore speak positively. It was his intention to move for them, as soon as according to parliamentary practice, it could be done, but he had heard the offer represented as he had stated, and he believed that it would yet turn out with reference to this road that there had been foul treachery towards the Province. [Mr. Smith—Foul treachery!] Yes, foul treachery. He (Mr. G.) believed it would yet be found out that this road might have been proceeded with—that it had been sacrificed, and that the Government were much to blame. Having thus shewn to the House what little claim the Attorney General had to any credit for the railway movement of the day, and that, in fact, so far from assisting it, he had opposed it; and how unjust was the attempt he had made to place himself (Mr. G.) and those acting with him in a false position, he would proceed to another position assumed by the Attorney General; a position utterly inconsistent with all sound constitutional theory, and directly opposed to all sound parliamentary practice. In the remarks he had made on moving the amendment, he had stated that the course pursued by the Government on the Prohibitory Liquor Bill was wholly unjustifiable; that as a body they had come down to the House, introduced a Revenue Bill, which authorised the importation of spirituous liquors—passed that bill for four years—had framed an estimate of expenditure, to meet which they relied principally upon the income resulting from that bill, and after obtaining the sanction and support of the House, had allowed one of the individual members of the Government to bring in immediately afterwards a bill to render illegal the importation of the very article which they had just before sustained, and to destroy the source of one-fifth of the revenue which they had declared was necessary for the exigencies and wants of the Province. And it was not the less striking proof of inconsistency, that the Provincial Secretary (to whose office under the present state of the government of the country, attached the duty of managing the finances) was the introducer and expounder of both bills; the one

directly fatal to the policy of the other. This charge the members of the Government met by asserting that that bill was brought in by the Provincial Secretary in his individual capacity, and not as a member of the Government, and that consequently they were not in any way responsible for its consequences; and the Attorney General says—"Have I no volition of my own? because I am a member of the Government am I not to have the right of bringing in a bill in my individual capacity?" Now, he was prepared to meet the Attorney General on this point at once. In such a case, and in such a manner, he had no right to have a volition of his own. Just as a member of society foregoes some of his natural privileges for the maintenance and preservation of society, so a member of a Government must forego some of his privileges and rights as an individual member for the preservation or maintenance of the Government of which he was a member, and he is not justified individually in pursuing a course as a member of the House directly at variance with his course and policy as a member of the Government. It is at his own option to remain or not to remain in a Government; and if he believes it essential for the welfare of the Province, or the cause of humanity, to introduce a measure which is at variance with the general policy of the Government of which he is a member, he must make his selection of one or the other, but in a constitutional point of view he could not support both. To illustrate the absurdity of such a position, suppose a Revenue Bill brought in, based, say, for the sake of argument, on five items. There are five members of the Government in the House: as a Government they have agreed upon this bill, introduced and carried it; and the expenses of the country are to be met by it. Shortly after, the Provincial Secretary, in his individual capacity, dislikes one item, brings in and carries a bill to put an end to that. The Surveyor General dislikes another item, and does the same, and so on with the remaining three. Item by item the five are gone—where is the Revenue Bill? The conjoint action of the Government destroyed by the same men in their individual capacity. Such a position to be asserted by the leader of a Government as constitutional, was absurd. It would not be tolerated for one moment in any country where parliamentary practice was understood, and would be ridiculed wherever it was heard of. He would like to see such a course adopted by any minister in England or in Canada. He desired the House to understand that his remarks were not as to the propriety or impropriety of the Prohibitory Bill. That was not the question before them. With reference to that bill itself, when introduced at the last session he had voted against it as unconstitutional in policy and ineffective to accomplish its proposed object, and he should be prepared, whenever the question for its repeal came up, and the House went in committee on the bill for that purpose to express his views plainly and unequivocally. It was not then before them, and it was therefore unnecessary. He had called attention to it simply as shewing the inconsistent course pursued by the Government, and the reckless manner in which measures were introduced, destroying so large a portion of the revenue without making any other provision or substitution, and more particularly at this moment to expose the fallacy of the justification and position assumed by the Attorney General. The Attorney General arrogated to himself an immense amount of constitutional knowledge, and was vaunted by himself and his supporters, as the embodiment and perfection of all that could be known on that subject. He had endeavoured to disparage the remarks he (Mr. G.) had made by every possible means, and had termed him a "political infant." [Attorney General—I only said so as contrasting you with Mr. Chandler.] The Attorney General had repeated it more than once, and had remarked that if he (Mr. Gray) succeeded in his motion, and were called upon to form a Government, it would be marked by imbecility. The dis-

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tion had been well drawn, in the course of the debate, between a statesman and a politician, and to the latter the Attorney General might well lay claim, if trickery and manœuvre constituted proficiency; but to the former he had no right. He much questioned whether the Attorney General possessed much constitutional knowledge. It would most probably be found, if thoroughly examined, that what he really did possess was somewhat like patent medicines, composed for the most part of worthless materials, and only acquiring a reputation by puffing.

The Attorney General's defence of the appointment of Mr. Bliss to the magistracy at Kent was equally untenable. He alleged that it was necessary to appoint men who would maintain the "supremacy of the law,"—admitted. But is it essential to the maintenance of the supremacy of the law that partizans should be appointed? Was it necessary, to enforce the Prohibitory Law, that members of a league, animated by a determination to carry it out, in the language of one of their speakers, "even at the point of the bayonet," should be appointed to the bench? Then why were not the other five who were appointed at the same time not also taken from the league? or was it to be assumed that they would not maintain the supremacy of the law because they were not? He contended that in the administration of justice there should be no partizanship—that every man, whatever were his views and opinions, or even his practices, had a right to be tried before a fair and impartial tribunal; that it was an essential element of justice that the judge who presided should not be so warped by prejudice, or governed by a determination to accomplish a particular end, that he would force and strain the law to attain that end; nay, more, it was essential for the moral effect to be produced by any judgment, that the party delivering it should be considered as above suspicion; and even if acting rightly, that could not be the case in an instance such as the present. But that spirit of impartiality was doubly necessary in the administration of a law which took away many of the most cherished rights and privileges which had been looked upon as the bulwarks of freedom; which pre-supposed guilt instead of innocence; which took away the trial by jury, and the rights of property, and placed the person and character of the citizen at the disposal of a magistrate, whose judgment, though warped by prejudice and stained by passion, would be followed with the horrors of the felon's cell, or the infamy of the Penitentiary. If partiality was to be considered by the Government as essential for maintaining the supremacy of the law, he was satisfied it would not be responded to by the people.

Equally untenable was his defence of the appointment of Mr. Burtis to the Common Clerkship at Saint John. That was clearly a violation of the principles of local self-government. An opportunity had then been afforded the Government to give proof of their attachment to those principles which they had always advocated. Surely the Common Council of the City of St. John was competent to say who ought to be its Common Clerk. But that principle was entirely set aside, that the Government might exercise its patronage to reward a friend. Appointments of this nature were unimportant in a Provincial point of view, but they showed that adherence to principles by the Government was a matter of convenience. It was not necessary to follow the other hon members of the Government in reply. They had but reiterated the arguments and positions of the hon. Attorney General, and in answering him they were equally answered; but one thing had struck him with surprise—the extraordinary lamentations and whinings they had made over the attacks upon them and their measures in the public press. Why, one would suppose no Government had ever been attacked before, or that, perhaps, the press ought to be silent because they were in office. He had remembered well that when the old Government were in

power, they were assailed day after day by the papers which then supported those very gentlemen now in the Government with a degree of virulence and misrepresentation to which the attacks upon them are mere trifles. There was no amount of corruption too bad, no extent of extravagance too great, no charge with which they were not assailed; but he did not remember ever to have heard any whining or crying about it in that House. Public men were public property, and must expect to be assailed; and they must rely upon their integrity of conduct and character rendering such slanders harmless. But it was wrong in the hon. members of the Government looking only at one side of the picture; while they were attacked on one side, they more than compensated themselves by the flattery and adulation they paid each other when they spoke. The hon. Surveyor General didn't think "that such another Provincial Secretary could anywhere be found; certainly not in the Province." The Provincial Secretary looked upon the Surveyor General as "exactly fitted for his office;" and that it was a dispensation of Providence, that out of kindness to the country, had put the right man in the right place. (Laughter.) While both agreed that the Attorney General far surpassed in his constitutional knowledge, and his legal attainments, any man that could be found elsewhere. The other hon. members of the Government all responded in the same strain to each other, and surely this was a fair offset to all the abuse they got from the public. But it wasn't fair to say the press always abused them: He held in his hand a copy of the *Reporter*, from which he would then read. [The hon. gentleman read among others, the following passages:]

"Supposing the Attorney General had taken a seat on the bench, when lately placed legitimately within his reach, where would our railway prospects be for the next ten or dozen of years?"

"Here is one great result of the change of Government, which was regarded as such a calamity by some parties in this city. Where would our interests have been, had the old Government retained power, and had the present Attorney General not been placed in his present position."

[The reading of these extracts was followed with much laughter.]

Surely now it wasn't right to say they were always abused. Well could he understand the depth and feeling of that soliloquy which the hon. member for Westmorland (Mr. Smith) uttered, when he read those sentences, and thought of the dreadful position of his country. "Yes," said he, "where would be our railroads? Of what avail the financial talents of the Provincial Secretary? Where the walking powers of the Surveyor General? Where the vast conceptions and great experience of the Chief Commissioner of Public Works? Where the deep knowledge and enlightened views of the Solicitor General? Where my own impulsive energies and determined spirit of progress? Where are all these great elements of wealth?"

Yes, where are they, and where art thou

My country? On thy voiceless shore

The heroic lay is tuneless now;

The heroic harp is heard no more.

And shall thy lyre so long divine,

Degenerate into hands like mine!

Alas! alas! poor Fisher's benched." [Roars of laughter.]

There was but one other remark he would make at present with reference to the Attorney General's assertions and consistency. He had expressed his strong denunciation of the withholding of the bye-road grants on a former occasion of financial difficulty. When Mr. Partelow, in the face of a coming election in 1850, had done so in order to sustain the public credit, and the Attorney General had said "He would be the last man to assent to the withdrawing of such grants from the rural districts, where the poor people looked for and must have such appropriations, whatever be the financial state of the Province,"—would any one believe, on hearing this statement,

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that the Attorney General was in 1850 a member of the very Government which did this act, and actually acquiesced in and directed it at the time? So much for his consistency and adherence to facts.

He (Mr. Gray) would now turn his attention to the Provincial Secretary; but as that hon. gentleman had not been personal in his remarks that he could recall, he would merely follow him in his line of argument.

Hon. Provincial Secretary—I made no personal remarks.

He had been mistaken in assuming there was any concert in the amendment moved by him (Mr. Gray) to the motion of the hon. member for Northumberland (Mr. Street) for the appointment of the road committee. There was no understanding, and the amendment was moved simply as believing that the duties of the Road Committee had now devolved on the Board of Works. The Provincial Secretary had attempted to justify the appointment of Mr. Partelow to the Auditor Generalship, and claimed credit for magnanimity in so doing. He believed it was in order to secure his knowledge of business, and acquaintance with the public accounts.

Hon. Provincial Secretary—No, no; it was not.

Mr. Gray believed it was necessary further in consequence of arrangements made at the short session in October 1854, without which the Government of that day would not have been turned out. In the debates at that time, it had been boldly stated that, in order to the carrying out of that vote of want of confidence provision had been made for Mr. Partelow, which was boldly and strenuously denied by the members of the present Government and those who were then acting with them; but now it appeared that such really was the case. The member for York (Mr. Hatheway) had stated in his speech the other day, with reference to the carrying out of that vote of want of confidence, that "arrangements was made that Surveyor General Wilmot and Partelow should be provided for."

Mr. Hatheway—The hon. member is mistaken; I did not say so.

Mr. Gray—I am not mistaken; I took down your language. It struck me at once as an admission of a fact which was generally believed, but which had been denied.

Mr. Hatheway again endeavoured to give some other explanation, when Mr. McPhelim and Mr. Connell both rose, and quoting from memoranda made by them of Mr. Hatheway's speech, said those were nearly if not his very words.

Mr. Gray resumed—He was glad that he had been confirmed by the members from Kent and Carleton. He had no desire to misquote or misrepresent the language of any hon. member; but certainly that was the statement made by the member for York; and it was to be regretted if he did not know the meaning was conveyed, that he should be so lavish in the use of them. No one regretted Mr. Partelow being provided for. After five and twenty years' public service, few would begrudge a retirement free from the turmoil and anxieties of political life. But the Government were entitled to no credit for magnanimity for merely carrying out an arrangement without which they could not have obtained their present place and power. The Provincial Secretary has not in any way explained the omission of the Government to provide for the interest on the railway debentures in Baring's hands in March last. That they were issued by the previous Government is no justification. That Government, after being displaced, certainly could not provide for the payment. The interest is a constantly recurring liability, and the omission by the Government to provide for its payment, must materially damage the Provincial credit. His attempt at explaining away his (Mr. Gray's) assertion as to the present financial position of the Province was a gross deception. He (Mr. Gray) had spoken as of the present time. The Secretary had given his explanation as only up to the

close of the fiscal year, three months before; his assertion of funds then in hand and balances due was no answer. Since that time those funds and balances had been completely exhausted. A large portion of the income of the present year had been used for purposes of the past year. He admits that at the close of the present year there must be an increase of the debt of £74,000; and taking an estimate based upon the expenditure of the last year, and the income of the last, less the liquor duties, it will be found that after making provision for payment required by existing laws, there will only be £24,000 to meet bye roads, special grants, bridges, and all the other necessities and contingencies of 1856. [The hon. gentleman here went into a long and elaborate calculation, shewing that the expenditures of the present year, 1856, taking 1855 as a criterion, would be about £151,000, to which must be added the £74,000 of increased debt admitted by the Provincial Secretary—exclusive of Savings' Bank and Railway Debentures—that would be due at the close of 1856, making a total of £225,000; to meet which, assuming the revenue to be as productive for the present year as it was for the past, not by any means likely (exclusive of the liquor duties), there would be £88,824, leaving an excess of expenditure over income for the year 1856 of £130,176. Of the £88,824, £63,910 is already appropriated by law. The Journals of 1855, and the appendixes with the returns and estimates, were referred to and explained in support of these conclusions.]

Mr. Gray continued—It would be useless, with these facts before them, and with but £24,000 or £25,000 to meet the necessities and emergencies of the country, to say that there had not been gross mismanagement, or that great distress would not be felt in the country. The members of the Government talked about railways, but they had agreed upon no scheme—all was disunion. They might influence different members by one motive or another, or might even sustain themselves on a division, but the confidence of the House or the country was not with them. They had threatened a dissolution. The Provincial Secretary, and the hon member for Westmorland (Mr. Smith), and the Attorney General himself, had each referred to it, and it had had a marked effect with some of the members of the House; but he would tell them a dissolution was not in their power. In a constitutional point of view it was the sole prerogative of the Governor. He could appeal from his Council at any time to the people. It was not their privilege but his.

Mr. Smith—I did not say we would dissolve, but that the Council would give that advice to the Governor, and he would be bound to take it.

Mr. Gray denied that in such a case the Governor was bound to act upon it. The very fact that a vote of want of confidence in the ministry was passed by the House, was *prima facie* a reason why their advice should not be followed. The question of dissolution arising from such a cause constituted the exception to the rule that in local matters the Governor must take the advice of his Council. In theory the two branches were summoned by the Crown to advise; but the power of dissolution remains the sole prerogative of the Crown. If the Government were defeated on any great measure, and advised a dissolution, the Governor would unquestionably act upon it, for it might really be that the people would approve of that measure, while the House did not, and the House consequently would not be fairly representing the people; but a vote of want of confidence was simply personal, and the Governor might change his advisers, without resorting to a dissolution. When, therefore, the members of the Government threatened a dissolution; they were threatening what they could not enforce, and securing support by the assumption of a power which did not belong to them. But however much they might use the threat to influence the timid, or confirm the doubtful, a dissolution was in reality the last thing they themselves desired. They dare not themselves go back to the people—the state of the Province, its

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financial embarrassments, its injured credit, would rise up in judgment against them. Take the very statement he had exhibited, the very account to which he had referred, and no assemblage of the people could be found in this Province who would not condemn them. Sow it broadcast on the rich meadows of Westmorland, and a crop of public indignation would spring from the luxuriant soil, which no supporter of the Government could withstand. Sound it through the vales of Kent, and the low moaning surge upon the shores of Gloucester would echo it back in mournful cadence on the ear. Proclaim it on the hills of Restigouche, it would be heard along the tributaries of the Madawaska, and float through the valley of the St. John, and every wave in the Bay of Fundy, from the Cumberland Basin to the St. Croix, that beats upon our shores, would sound the requiem of their rest. A dissolution is the last thing the Government would desire. It would be the annihilation of their political existence. If any of them did return to the house, they would be but fragments, which would prove the extent of the wreck and the severity of the storm; and it shewed how little reliance they themselves felt could be placed on their own conduct and management of public affairs as a justification, when they were compelled to resort to such deception to prevent the amendment being carried. In reference to the hon. member for the county of Westmorland (Mr. Smith), and the Solicitor General, there was but little that need be said. All the members of the Government had pursued pretty much the same line of argument, and the answer to one was therefore the answer to all. The hon. member for Westmorland had made a powerful speech, and had, he thought, influenced one vote that might have been considered doubtful; but the Solicitor General seemed to entertain the idea that he was the sole embodiment of liberalism in the Province. He had found great fault with the member for the City of St. John (Mr. Harding), because he did not happen to be on the same side as himself. He could not therefore be liberal; no man could be liberal if he differed with him. He (Mr. Gray) apprehended true liberalism would be judged of more correctly as exhibited in a man's conduct and measures, than in his eternally arrogating to himself the credit of the name without the practice of the virtue. The member for the City of St. John was fully able to justify the course he had taken, and no doubt felt that he was best promoting the interests of his country, and the cause of true liberalism, when he left the Solicitor General

"Like the last rose of summer, all blooming alone."

He was wrong, however, in saying that all the members of the Government had pursued exactly the same line of argument. The Surveyor General (Mr. Brown) had struck out into an entirely new line. He had soothed the wounded feelings of his colleagues to an extraordinary degree. He had flattered them as no man had ever flattered them before. He had poured forth in graphic style, the speech of Anthony over the dead body of Cæsar, and pointed to the rent the envious Casca made; but who ever dreamed that the hon. Surveyor General was the gay Lothario of the House (great laughter), and was as familiar with the pages of Don Juan as with the musty rolls of the Crown Land Office.

Surveyor General—I never said I didn't read Don Juan. I dare say you do too.

Mr. Gray—No doubt of it, and many a good thing in it; but nobody ever suspected you. Ah! who wouldn't be a Surveyor General, to wander about this Province in the glorious month of June, and find a Donna Julia in every cottage, and an Aurora Raby by every brook! Sly old gentleman. Long may he so enjoy himself. [Great laughter.] But, continued the hon. gentleman, it was necessary to be serious; it was time the debate was brought to a close, and the division taken. That division might be affected and the

Government sustained by means of the influences and causes to which he had already referred. A vote might be secured in that House, but that vote would not be in accordance with the opinion of the country. He felt justified, as evidence of this, in referring to the result of the election which was just closed in the County of York, where the Government candidate (Mr. Needham), its avowed supporter, who based his claim to be returned by the County of York principally on that ground—had been defeated by an overwhelming majority by Mr. Allen; and that, notwithstanding the Attorney General had vauntingly stated in his place in this House, that no man could be returned in this County opposed to the Government. That result was but the muttering of the coming storm which was gathering, and would be heard from every part of the Province, low and deep, swelling in volume, and in a short time becoming irresistible in force—tried, found wanting, and condemned—their doom had gone forth; and though this House might sustain them, the people would not.

The hon. gentleman concluded his remarks, by referring in strong language to the principles and loyalty of the early settlers of this country—of the difficulties they encountered, and the inheritance they left, and claiming for those who had since come, and who were now peopling this Province, and making it the home of themselves and their children, an equally deep and abiding interest in its future welfare and prosperity.

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